



## UPDATES TO THE NURSES AWARD

On Thursday 9 September 2021, the Nurses Award 2020 commenced, replacing the Nurses Award 2010. The 2020 version of the Award includes changes that bring it up to date with other modern awards and may have an impact on your nursing staff entitlements.

The new version of the award and the incorporated changes are a result of the consultative process and decisions made by the Fair Work Commission during the 4 yearly review of all the modern awards. You may be aware of similar updates and amendments that were made to the Health Professionals and Support Services Award 2020 last year.

A copy of the award is available on the [AMA \(NSW\) Employer Quick Links](#) page.

### THE VARIED PROVISIONS

**New name:** Nurses Award 2020

**Casual loading:** 25% casual loading will be applied to the **minimum hourly rate**.

Accordingly, for each ordinary hour worked, a casual employee will be paid:

- the minimum hourly rate applicable to their classification and pay point, and
- a loading of 25% of the minimum hourly rate applicable to their classification and pay point

for the classification in which they are employed.

#### **Shift work loading for casual employees:**

The shift work loading will be calculated on the **minimum hourly rate** (*previously ordinary rate of pay*), excluding the casual loading, and then added to the penalty rate of pay as prescribed in clause 20—Shiftwork of the New Nurses Award 2020.

#### **Leave entitlement for casual employees:**

A casual employee and the employer cannot agree that the employee

will receive additional leave for work done on a public holiday.

#### **Saturday and Sunday loading**

**(ordinary hours):** Saturday and Sunday loading of 150% and 175% apply to the **minimum hourly rate** instead of the ordinary rate of pay. For casual employees, these loadings apply on the casual hourly rate.

**Overtime penalties:** Overtime penalties are to be calculated as follows:

- For part-time and full-time employees, are to be calculated on the **minimum hourly rate** instead of the ordinary rate of pay.
- For **casual employees**, are to be calculated on the casual hourly rate.

**Rest Period after Overtime:** If an employee is requested to resume work without having had 10 consecutive hours off duty, or works continuously for more than 8 hours, the employee will be paid:

- 200% of the **minimum hourly rate** applicable to their classification and pay point until the employee is released from duty for such period (*previously ordinary rate of pay*); or
- 200% of the **casual hourly rate** until the employee is released from duty for such period.

#### **Rest breaks between Rostered Work:**

If an employee is requested to resume or continues to work without having had 10 consecutive hours off duty, or eight hours as agreed, then the employee will be paid:

- 200% of the **minimum hourly rate** applicable to their classification and pay point (*instead of the ordinary rate of pay*); or
- at the rate 200% of the **casual hourly rate** in the case of a casual employee

#### **Payment for work done on public**

**holidays:** The 200% penalty for working an ordinary shift on a public holiday applies to the **minimum hourly rate** for full-time and part-time employees (*previously ordinary rate of pay*), and the casual hourly rate for casual employees.

When 25 December falls on a Saturday or Sunday and, where because of substitution, is not a public holiday within the meaning of the NES, the employee will receive:

- Saturday or Sunday payment (as appropriate) plus an additional loading of 50% of the employee's **minimum hourly rate** applicable to their classification and pay point for the hours worked on that day (*previously the ordinary rate of pay*).
- Saturday or Sunday payment (as appropriate) plus an additional loading of 50% of the casual hourly rate in the case of a casual employee for the hours worked on that day.

Likewise, all work performed on the substitute day by an employee will receive:

- For full-time and part-time employees, an additional loading of 50% of the employee's **minimum hourly rate** applicable to their classification and pay point for the hours worked on that day.
- For casual employees, an additional loading of 50% of the casual hourly rate for the hours worked on that day.

#### **More Information**

For more information on the recent changes to the Nurses Award, or for general advice on modern awards, please contact a member of our **Workplace Relations team** by emailing [workplace@amansw.com.au](mailto:workplace@amansw.com.au)